

REMARKS

Claims 11, 15, 16, 20, and 27-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Mensz et al., "In<sub>x</sub>Ga<sub>1-x</sub>N/Al<sub>y</sub>Ga<sub>1-y</sub>N violet light emitting diodes with reflective p-contacts for high single sided light extraction." Applicants respectfully traverse the rejection. With regard to claim 27, the Examiner states "Claim 27 is also rejected as Mensz's contact structure appears to possess the required contact resistance from figure 2 and the 5 V at 20 mA property. If applicant can prove that Mensz does not possess the required resistance, the claim will be allowed." Applicants attach a declaration of Jonathan J. Wierer, Jr. calculating the contact resistance of Mensz's p-contact. When all ambiguities are resolved in favor of calculating the lowest contact resistance possible for Mensz's p-contact, Mensz's p-contact resistance is still 0.044  $\Omega\text{-cm}^2$ . Claims 11 and 31 are amended to include the element of claim 27 that the multi-layer contact has a "specific contact resistance less than  $10^{-2} \Omega\text{-cm}^2$ ," which cannot be met by Mensz's device, as illustrated in the attached declaration.

Claims 11, 15, 16, 18, 27-31, and 35 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-18 of U.S. Patent 6,486,499. Claims 11, 15, 16, 18, 20, 27-31 and 35 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 3 and 10 of U.S. Patent Application 6,844,571. Applicants respectfully request that Applicants be permitted to delay responding to these double patenting rejections until the 102 and 103 rejections are overcome. If necessary, Applicants will submit a terminal disclaimer once the Examiner indicates allowable subject matter.

In view of the above arguments, Applicants respectfully request allowance of all pending claims. Should the Examiner have any questions, the Examiner is invited to call the undersigned at (408) 382-0480.

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Respectfully submitted,

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